

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,  
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

**90-DAY JOINT STATUS REPORT**

HTC CORPORATION, and HTC AMERICA,  
INC.,

Third-Party Plaintiffs,

v.

CYWEE MOTION GROUP LTD.,

Third-Party Defendant.

Pursuant to the Court's August 19, 2019 Order (ECF No. 146), Plaintiff CyWee Group Ltd. ("CyWee Group"), Defendants and Third-Party Plaintiffs HTC Corporation and HTC America, Inc., and Third-Party Defendant CyWeeMotion Group Ltd. respectfully submit the following joint status report:

As shown in the table below, on January 9, 2020, the PTAB held that the claims subject to two IPRs filed by Google (the "Google IPRs") are invalid:

Asserted Patent	IPR Case No.	Claims Held Invalid
8,441,438 ("438 patent")	IPR2018-01258	1, 3–5
8,552,978 ("978 patent")	IPR2018-01257	10, 12

CyWee appealed the PTAB's final written decisions in the Google IPRs to the Federal Circuit and those appeals (Case Nos. 2020-1565, 2020-1567) are currently pending.

In the instant case, CyWee asserts infringement of claims 1, 3–5, 14–17, and 19 of the '438 patent, and claims 10 and 12 of the '978 patent. Asserted claims 14–17 and 19 of the '438 patent are not subject to the Google IPRs.

Those claims are however subject to an IPR filed by ZTE (the "ZTE IPR"), as shown in the table below:

Asserted Patent	IPR Case No.	Instituted Claims
8,441,438	IPR2019-00143	1, 4, 5, 14–17, 19

Unlike the proposed amendments in the Google IPRs, the proposed amendments in the ZTE IPR are subject to the PTAB's pilot program concerning motions to amend, as provided for in 84 Fed. Reg. 9,497 (Mar. 15, 2019). On December 5, 2019 the PTAB issued Preliminary Guidance on Patent Owner's Motion to Amend (the "Guidance"). In the Guidance, the PTAB preliminarily held that proposed amended claims 20, 21, and 22 (corresponding to original claims 1, 5, and 14) are valid. On December 20, 2019, CyWee filed a revised motion to amend, proposing amendments to claims 20, 21, 22, 23, and 24 (corresponding to original claims 1, 5, 14, 15, and 19).

On May 12, 2020, the PTAB issued an order in the ZTE IPR, which adjusted the due date for it to issue a final written decision from May 17, 2020 to November 12, 2020.

1  
2 Dated May 18, 2020

Respectfully submitted,

3 /s/ Carmen E. Bremer

4 Carmen E. Bremer, WSBA 47,565  
5 Carmen.bremer@bremerlawgroup.com  
6 BREMER LAW GROUP PLLC  
7 1700 Seventh Avenue, Suite 2100  
8 Seattle, WA 98101  
9 T: (206) 357-8442  
10 F: (206) 858-9730

11 Michael W. Shore\* (mshore@shorechan.com)  
12 Alfonso G. Chan\* (achan@shorechan.com)  
13 Ari B. Rafilson\* (arafilson@shorechan.com)  
14 William Ellerman\* (wellerman@shorechan.com)  
15 Paul T. Beeler\* (pbeeler@shorechan.com)  
16 SHORE CHAN DEPUMPO LLP  
17 901 Main Street, Suite 3300  
18 Dallas, Texas 75202  
19 T: (214) 593-9110  
20 F: (214) 593-9111

21 \*Admitted pro hac vice

22 *Attorneys for Plaintiff CyWee Group Ltd. and*  
23 *Third-Party Defendant CyWee Motion Group Ltd.*

24 Dated: May 18, 2020

/s/ Albert Shih

25 James C. Yoon, CA Bar #177155 (*pro hac vice*)  
26 Ryan R. Smith, CA Bar #229323 (*pro hac vice*)  
27 Albert Shih, CA Bar #251726 (*pro hac vice*)  
28 Jamie Y. Otto, CA Bar #295099 (*pro hac vice*)  
29 **WILSON SONSINI GOODRICH & ROSATI**  
30 Professional Corporation  
31 650 Page Mill Road  
32 Palo Alto, CA 94304-1050  
33 Telephone: (650) 493-9300  
34 Facsimile: (650) 565-5100  
35 Email: jyoon@wsgr.com, rsmith@wsgr.com  
36 ashih@wsgr.com, jotto@wsgr.com

Gregory L. Watts, WSBA #43995  
**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation  
701 Fifth Avenue, Suite 5100  
Seattle, WA 98104-7036  
Telephone: (206) 883-2500  
Facsimile: (206) 883-2699  
Email: gwatts@wsgr.com

Ty W. Callahan, CA Bar #312548 (*pro hac vice*)  
**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation  
633 West Fifth Street, Suite 1550  
Los Angeles, CA 90017-2027  
Telephone: (323) 210-2900  
Facsimile: (866) 974-7329  
Email: tcallahan@wsgr.com

*Attorneys for Defendants and Third-Party Plaintiffs  
HTC Corporation and HTC America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: 5/18/2020

/s/Carmen E. Bremer

Carmen E. Bremer